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TRANSMITTAL FORM

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		Filing Date	**09/26/2003**
		First Named Inventor	**Huang, Ming**
		Art Unit	**2875**
		Examiner Name	**Anabel M. Ton**
Total Number of Pages in This Submission	**11**	Attorney Docket Number	**BP3026-H47-P12**

ENCLOSURES *(Check all that apply)*

- ☐ Fee Transmittal Form
  - ☐ Fee Attached
- ☑ Amendment/Reply
  - ☑ After Final
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Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature	Huang, Ming		
Printed name	**Huang, Ming**		
Date	**10/05/2005**	Reg. No.	

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant Huang, Ming Art Unit: 2875

Series No 10/670,852 Examiner: Anabel M. Ton

Filed 09/26/2003

Title **Light emitting rotary double refill pen**

Mail Stop Amendment

Honorable Assistant Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Responsive to the Official Action date 09/ 05 / 2005, please amend the above-referenced Patent Application as following:

According to the official action, the applicant has to restrict the scope of claims, so the features of claims 2,4 are added to the claim 1, and cancelled the original claims 2,and 4. The applicant needs to explain more clearly about the improved mechanism in the present invention as following:

Since in cited US6,585,388, Fig. 5, a stick (21) and a rotational cylinder (24) assembly is illustrated, and is described in the published specification column 3 lines 55~58, to slide them by 'cylinder-rotation side protrusions (23) engaged with a cylinder-rotation sawtooth (26) and an inclined protruding stopper (25) of the rotational cylinder (24) and a stop seat (24a) of the upper portion of the rotational cylinder (24).' Whereas in the present invention, see the original specification page 3 lines 29~30: 'An inner wall of the positioning tube (14) is installed with positioning recesses (141).' page 4 lines 3~4: 'A plurality of strips (161) at the lateral wall of the light emitting set (16) are embedded into the positioning recesses (141).'

Please see Fig. 7 of the present invention, in which the strip (161) is illustrated as shown is formed vertically on the lateral wall of the light emitting set (16), which is different from the cited US6,585,388 described in its published specification column 3 lines 31~33: 'three cylinder-rotation side protrusions (23) are mounted at the middle of the stick (21), spaced 120 degrees apart around the stick (21)' further, in column 4, line 17 and 20: 'the stick (21) is moved downward, the rotational cylinder (24) is rotated at a predetermined angle' , whereas in the original specification of the present invention, page 4 lines 6~8: 'When the user rotates the rotary tube (11), the positioning tube (14) will drive the light emitting set (16) to rotate at the same time and the sleeve (15) will drive the rotary portion (231) of the refill switching unit (23).' in page

5 line 23~24: 'the operation (of the refill switching unit (23) for changing the refill as described in that paragraph) will induce the positioning tube (14) in the rotary tube (11) drives the light emitting set (16) to rotate' as Fig. 7 of the present invention depicted. Both the operation of refill switching unit (23) and users rotates the rotary tube (11) can activate as described in page 5 line 25~27: 'when the lead (165) rotates to resist on the conductive plate (233) of the electric disk (24) as Fig. 8 of the present invention depicted, the light emitting body (162) will conduct and light up.' Thus, the present invention is different from the cited US 6,585,388 in view of the strips embedded into the recesses.

As to the cited JP409099692A, although it has the same refills changing design, but it disclosed neither automatic illumination by changing refills nor operated by users directly to rotate to light, which is different from the present invention.

Thus, as discussed above, by way of the strips (161) embedded into recesses (141) of the present invention, which is suitable for a user rotate the rotary tube (11) directly or by changing refills to illuminate or not, which is not subject to the predetermined angle rotation as described in US6,585,388, and has more convenient ways to illuminate.

The applicant keeps the claims in the original numbers and amended the claims as following: